

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN R. WALKER,

Petitioner,

Case No. 01-CV-848

v.

Judge Weber

JEFFREY WOLFE,

Magistrate Judge Black

Respondent.

**RESPONDENT'S SUBMISSION OF SUPPLEMENTAL AUTHORITY IN
SUPPORT OF RESPONDENT'S REPLY TO PETITIONER'S MEMORANDUM
OPPOSING RESPONDENT'S MOTION TO DISMISS**

On May 19, 2004, Respondent filed a renewed motion to dismiss the instant habeas petition because the claims are time-barred. Petitioner ("Walker") filed a Memorandum Opposing the Motion, and, on June 29, 2004, Respondent filed a Reply. Respondent's hereby submits the following case as supplemental authority to the Reply:

State v. Spikes (1998), 129 Ohio App.3d 142; 717 N.E.2d 386.

The Spikes decision indicates that a person who is subject to mandatory post-release control in Ohio (as Walker was) has standing to challenge the post-release control sanction immediately upon sentence. Spikes, n. 3.

Respectfully submitted,

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Ohio Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that a copy that a copy of the foregoing was mailed by regular, first-class mail to John R. Walker, 1416 Armfield Road, Richmond, Virginia 23225-7542, on the 30th day of June, 2004.

S/Diane Mallory